

Senate File 321

S-3059

1 Amend Senate File 321 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 12B.10, subsection 6, Code 2021, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *n.* Investments by the veterans trust fund
7 established in section 35A.13.

8 Sec. 2. Section 12B.10C, subsection 4, Code 2021, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *k.* The veterans trust fund established in
11 section 35A.13.

12 Sec. 3. Section 35A.13, subsection 3, Code 2021, is amended
13 to read as follows:

14 3. Moneys credited to the trust fund shall not be
15 transferred, used, obligated, appropriated, or otherwise
16 encumbered, except as provided in **this section**. ~~Moneys in the~~
17 ~~trust fund may be used for cash flow purposes during a fiscal~~
18 ~~year provided that any moneys so allocated are returned to the~~
19 ~~trust fund by the end of that fiscal year.~~ Moneys in the trust
20 fund may also be used for cemetery grant development purposes
21 provided that any moneys so allocated, except for moneys used
22 for department of administrative services expenditures related
23 to the grant, are returned to the trust fund upon receipt of
24 federal funds received for such purposes.

25 Sec. 4. Section 35A.13, Code 2021, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 3A. *a.* Notwithstanding subsection 4,
28 moneys in the fund, except so much of the fund as may be
29 necessary to be kept on hand for the making of disbursements
30 under this section, shall be invested by the treasurer of
31 state, in consultation with the commission, in any investments
32 authorized for the Iowa public employees' retirement system
33 in section 97B.7A, including common stock, and subject to the
34 requirements of chapters 12F, 12H, and 12J, and the earnings
35 therefrom shall be credited to the fund. The treasurer of

1 state may execute contracts and agreements with investment
2 advisors, consultants, and investment management and benefit
3 consultant firms in the administration of investments of moneys
4 in the fund.

5 *b.* Investment management expenses shall be charged to the
6 investment income of the fund and there is appropriated to the
7 treasurer of state from the investment income of the fund an
8 amount required for the investment management expenses.

9 *c.* For purposes of this subsection, investment management
10 expenses are limited to the following:

11 (1) Fees for investment advisors, consultants, and
12 investment management and benefit consultant firms hired by
13 the treasurer of state in administering the investments of the
14 fund.

15 (2) Fees and costs for safekeeping fund assets.

16 (3) Costs for performance and compliance monitoring, and
17 accounting for fund investments.

18 (4) Any other costs necessary to prudently invest or protect
19 the assets of the fund.

20 *d.* The commission and the treasurer of state, and their
21 employees, are not personally liable for claims based upon an
22 act or omission of the person performed in the discharge of the
23 person's duties concerning the veterans trust fund, except for
24 acts or omissions which involve malicious or wanton misconduct.

25 Sec. 5. Section 35A.13, subsection 4, Code 2021, is amended
26 by striking the subsection and inserting in lieu thereof the
27 following:

28 4. *a.* For each fiscal year that the balance of the trust
29 fund on July 1 is below fifty million dollars, the interest
30 and earnings on moneys in the fund and the first five hundred
31 thousand dollars transferred pursuant to section 99G.39 from
32 the lottery fund are appropriated to the commission to be used
33 to achieve the purposes of subsection 6. Moneys appropriated
34 to the commission under this paragraph that remain unencumbered
35 or unobligated at the end of the fiscal year shall revert to

1 the fund.

2 *b.* For each fiscal year that the balance of the trust fund
3 on July 1 is above fifty million dollars but the balance of the
4 fund was below fifty million dollars on July 1 of the previous
5 fiscal year, moneys transferred pursuant to section 99G.39 from
6 the lottery fund are appropriated to the commission to be used
7 to achieve the purposes of subsection 6. Moneys appropriated
8 to the commission under this paragraph that remain unencumbered
9 or unobligated at the end of the fiscal year shall revert to
10 the fund.

11 *c.* For each fiscal year that the balance of the trust fund
12 on July 1 is above fifty million dollars and the balance of
13 the fund was above fifty million dollars on July 1 of the
14 previous fiscal year, moneys equal to the net income the fund
15 received in the previous fiscal year are appropriated to the
16 commission to be used to achieve the purposes of subsection
17 6. Moneys appropriated to the commission under this paragraph
18 that remain unencumbered or unobligated at the end of the
19 fiscal year shall revert to the fund. For the purposes of this
20 paragraph, "*income*" means moneys credited to the veterans trust
21 fund pursuant to subsection 2 and moneys transferred pursuant
22 to section 99G.39.

23 *d.* Notwithstanding paragraphs "*a*", "*b*", and "*c*", moneys
24 credited to the war orphans educational assistance account
25 shall be expended as provided in subsection 7.>

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